

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION**

EDUARDO FLORES
Plaintiff,

vs.

**STATE AUTO PROPERTY &
CASUALTY INSURANCE COMPANY
AND KAREN SNAVELY**
Defendant.

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2:16-cv-119
Civil Action Number

Jury

DEFENDANT'S NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant, State Auto Property & Casualty Insurance Company, files this Notice of Removal pursuant to 28 U.S.C. §1446(a), and respectfully shows as follows:

I.
INTRODUCTION

1. Plaintiff is Eduardo Flores ("Plaintiff"); Defendants are State Auto Property & Casualty Insurance Company ("State Auto") and Karen Snavely ("Snavely") (hereinafter collectively referred to as "Defendants"). There are no other parties. *See* Plaintiff's Original Petition, attached as Exhibit "A - 1".

2. On June 28, 2016, Plaintiff filed Cause No. 32666, *Eduardo Flores v. State Auto Property & Casualty Insurance Company and Karen Snavely*, in the 63rd Judicial District Court of Val Verde County, Texas (the "State Court Action"). *See* Exhibit "A - 1". Plaintiff's suit alleges breach of contract, violations of the Texas Insurance Code and Deceptive Trade Practices Act (DTPA), bad faith, and breach of duty of good faith and fair dealing, relating to storm damage allegedly suffered at Plaintiff's home located at 115 Paloma Drive, Del Rio, Texas 78840. *See* Exhibit "A - 1".

3. Citation was issued and State Auto was served with the suit on July 7, 2016. *See* Exhibit “A – 5,” “A – 8,” and Affidavit of Scott Russo, attached as Exhibit “B”. Karen Snavelly has not yet been served with this lawsuit. *See* Exhibit “A- 6” and Affidavit of Karen Snavelly attached as Exhibit “C.” State Auto files this Notice of Removal within the 30-day time period required by 28 U.S.C. §1446(b). *Bd. of Regents of Univ. of Tex. Sys. v. Nippon Tel. & Tel. Corp.*, 478 F.3d 274, 278 (5th Cir. 2007). State Auto files its Answer in this Court contemporaneously with the filing of this Notice of Removal. State Auto demands a trial by jury in this Court. Snavelly will file her Answer within the appropriate timeframe, following service of the Original Petition.

4. Plaintiff has not filed any amended pleadings and no additional parties have been joined.

II.

REMOVAL BASED ON DIVERSITY JURISDICTION

5. Pursuant to 28 U.S.C. §1332(a), State Auto removes this case as it involves a controversy between parties of diverse citizenship and an amount in controversy that exceeds \$75,000.

6. Plaintiff is a citizen of Texas. *See* Exhibit “A - 1”. State Auto is a foreign corporation organized under the laws of the state of Iowa with its principal place of business located at 518 E. Broad Street, Columbus, Ohio 43215. *See* Exhibit “B.” Snavelly is not a citizen or resident of Texas, as Plaintiff alleges in his Original Petition; Snavelly is a citizen and resident of Ohio. *See* Exhibit “C.”

7. Additionally, the amount in controversy exceeds \$75,000, excluding interest and costs. 28 U.S.C. §1332(a). Plaintiff’s Original Petition seeks “monetary relief of less than \$100,000.00.” *See* Exhibit “A - 1”.

8. Snavelly consents to removal, even though her consent is not technically required as she has not yet been served. *See* Exhibit “C.” No other consent is needed for the removal of this case to federal court.

9. An Index of Exhibits is attached as Exhibit “A”. Copies of all pleadings, process, orders, and other filings in the State Court Action are attached to this notice as Exhibits “A - 1” through “A – 8,” as required by 28 U.S.C. §1446(a).

10. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the suit has been pending is located in this District and within this Division.

11. State Auto will promptly file a copy of this Notice of Removal with the clerk of the court in the pending State Court Action.

III.
JURY DEMANDED

12. Plaintiff demanded a jury in the State Court Action. State Auto also requests that this matter be heard by a jury in this Court.

VI.
PRAYER

WHEREFORE PREMISES CONSIDERED, Defendant State Auto prays that this case be removed to the United States District Court for the Western District of Texas, Del Rio Division, and that further proceedings in the State Court Action be discontinued, and that this Court assume full jurisdiction over such action as provided by law.

Respectfully submitted,

/s/Sterling Elza
Sterling Elza
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**ATTORNEY FOR DEFENDANT,
STATE AUTO PROPERTY & CASUALTY
INSURANCE COMPANY AND KAREN
SNAVELY**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing was served upon the Plaintiff, by serving counsel of record, Matthew Zarghouni, Zar Law Firm, 7322 Southwest Fwy., Suite 1965, Houston, Texas 77074, (832) 448-9149, via fax and certified mail return receipt requested, on this the 29th day of July, 2016.

/s/ Sterling Elza
Sterling Elza